



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 30, 2024

TIME: 2:49 PM

WSR 24-18-092

Agency: Washington Department of Fish and Wildlife (WDFW) (Order 24-170)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 1, 2024

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this emergency rule is to provide guidance to the public on the new requirements of costs of providing public records based on the implementation of body worn cameras for the department's law enforcement officers that begins on September 1, 2024.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-120-060
- Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Other authority: None

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: The department plans to activate body worn cameras for its law enforcement officers starting on September 1, 2024. As part of this new program, the department must amend WAC 220-120-060 to update its fee schedule for anticipated record requests associated with body worn cameras. The department previously undertook a Fee Study in 2024 to research the reasonable costs for producing records requested for body worn cameras.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:


New 1 Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: August 30, 2024	Signature: 
Name: Kelly Susewind	
Title: Director, Washington Department of Fish and Wildlife	

NEW SECTION

WAC 220-120-06000A Costs of providing public records.

Effective September 1, 2024, and until further notice, requirements for costs of providing records shall be as contained herein:

(1) There is no fee for inspecting public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of RCW 42.56.120

(2) Pursuant to RCW 42.56.120, the department may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120 and as published in the department's fee schedule available on the department website at <http://wdfw.wa.gov>.

(3) Before copying requested public records, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all of the records. The public records officer or designee may also require payment of the remainder or an installment of the copying costs before providing all of the records.

(4) The department will not release any requested copies of public records unless and until the requestor has paid all copying and other charges as set forth in this section.

(5) The department may determine whether customized electronic access to public records is required if the department estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the department for other department purposes. The department will charge the actual costs, including staff time and outside vendor costs necessary to reimburse the department for providing customized electronic access services.

(6) The department may waive any charges for providing public records at the discretion of the public records officer. This determination will be made on a case-by-case basis.

(7) Payment. Payment may be made by cash, check, or money order to the Washington department of fish and wildlife.